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## FACSIMILE TRANSMISSION

DATE: **OCTOBER 27, 2005**

To:	Hard Copy to Follow via Mail: <b>NO</b>		
	NAME	FAX NO.	PHONE NO.
USPTO - Hayes, Michael		571-273-8300	571-272-4959
Group Unit: 3763			

FROM: **Jacquelyn Campbell - 2279**

RE: **U.S. Patent Application No. 09/777640**  
**Method and Apparatus to Enhance Optical Transparency of Biological**  
**Tissues**  
**Babak Nemati**

<b>CLIENT/MATTER NO.: 101078.0001US3</b>	<b>NUMBER OF PAGES, INCLUDING COVER: 3</b>
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MESSAGE

<b>Please see the attached Conditional Petition and fee for Extension of Time. Thanks.</b>
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Practitioner's Docket No. 101078.0001US3

OCT 27 2005

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Babak Nemati

Application No. 09/777,640

Group No.: 3763

Filed: February 7, 2001

Examiner: Hayes, Michael

For: Method and Apparatus to Enhance Optical Transparency of Biological Tissues

Mail Stop: Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME  
 IN PARENT CASE THAT IS TO BE ABANDONED  
 WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT**

1. This conditional petition is being filed along with the separately filed continuation-in-part (C-I-P) application and provides for the possibility that applicant has inadvertently overlooked the need or a petition and fee for extension of time.

A copy of this petition is being filed with the papers constituting the filing of the separately filed application.

If any extension of time for the accompanying response is required, applicant requests that this be considered a petition therefor.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being

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or deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

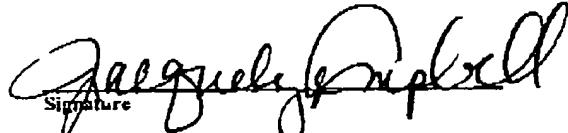
**37 C.F.R. § 1.10\***

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 Signature  
 Jacquelyn Campbell

(Type or print name of person certifying)

Date: 11/27/05

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**2. Status**

This application is on behalf of a small entity.

The statement is already filed in parent application. This status is still proper and its benefit under 37 CFR 1.28(e) is hereby claimed.

**3. Authorization for payment of fees**

The Commissioner is authorized to charge any fees under 37 C.F.R. § 1.17 (a) to (d) that may be required by this Conditional Petition to Deposit Account No. 502191.

A duplicate of this Conditional Petition is attached.

Date: 10/27/05



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